

NOTICE OF OBJECTION TO CONFIRMATION

THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, SUCCESSOR INDENTURE TRUSTEE TO JPMORGAN CHASE BANK, N.A., AS INDENTURE TRUSTEE ON BEHALF OF THE NOTEHOLDERS OF THE CWHEQ INC., CWHEQ REVOLVING HOME EQUITY LOAN TRUST, SERIES 2005-K has filed papers with the Court to object to the Confirmation of the Chapter 13 Modified Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to object to the Confirmation of the Chapter 13 Modified Plan, or if you want the Court to consider your views on the Objection, then on or before 10/14/2020, you or your attorney must:

1. File with the Court an answer, explaining your position at:

**Clerk
U.S. Bankruptcy Court
50 Walnut Street, 3rd Floor
Newark, NJ 07102**

If you mail your response to the Court for filing, you must mail it early enough so that the Court will **receive** it on or before the date stated above.

You must also mail a copy to:

Phelan Hallinan Diamond & Jones, PC
1617 JFK Boulevard, Suite 1400
Philadelphia, PA 19103

MARIE-ANN GREENBERG, Trustee
Chapter 13 Standing Trustee
30 TWO BRIDGES ROAD SUITE 330
FAIRFIELD, NJ 07004

2. Attend the hearing scheduled to be held on 10/21/2020 in the NEWARK Bankruptcy Court, at the following address:

**U.S. Bankruptcy Court
50 Walnut Street, 3rd Floor
Newark, NJ 07102**

If you or your attorney do not make these steps, the Court may decide that you do not oppose the relief sought in the Objection and may enter an Order granting that relief.

Date: September 18, 2020

/s/ Sherri J. Smith
Sherri J. Smith, Esq.
Phelan Hallinan Diamond & Jones, PC
1617 JFK Boulevard, Suite 1400
Philadelphia, PA 19103
Tel: 856-813-5500 Ext. 47923
Fax: 856-813-5501
Email: Sherri.Smith@phelanhallinan.com

File No. 839747

Phelan Hallinan Diamond & Jones, PC

1617 JFK Boulevard

Philadelphia, PA 19103

856-813-5500

FAX Number 856-813-5501

THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, SUCCESSOR
INDENTURE TRUSTEE TO JPMORGAN CHASE BANK, N.A., AS INDENTURE TRUSTEE
ON BEHALF OF THE NOTEHOLDERS OF THE CWHEQ INC., CWHEQ REVOLVING
HOME EQUITY LOAN TRUST, SERIES 2005-K

In Re:

SONDA D. SMITH

Debtor

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY
NEWARK VICINAGE

Chapter 13

Case No. 18-23221 - RG

Hearing Date: 10/21/2020

The undersigned, Phelan Hallinan Diamond & Jones, PC, attorneys for Secured Creditor, THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, SUCCESSOR INDENTURE TRUSTEE TO JPMORGAN CHASE BANK, N.A., AS INDENTURE TRUSTEE ON BEHALF OF THE NOTEHOLDERS OF THE CWHEQ INC., CWHEQ REVOLVING HOME EQUITY LOAN TRUST, SERIES 2005-K, the holder of a Mortgage on debtor residence located at 32 COLUMBUS DRIVE, FRANKLIN PARK, NJ 08823 hereby objects to the Confirmation of the debtor proposed Chapter 13 Modified Plan on the following grounds:

1. On August 27, 2018, Movant filed Proof of Claim listing pre-petition arrears in the amount of \$241.24 and a total claim in the amount of \$49,399.91.
2. Debtor's Chapter 13 Modified Plan Part 4 section e proposes to surrender the property located at 32 COLUMBUS DRIVE, FRANKLIN PARK, NJ 08823 and provides for property value in the amount of \$280,000.00.
3. The Modified Plan also lists three mortgage liens including the subject mortgage lien as having an entire claim that is unsecured.

4. Movant objects to the proposed valuation of the property. Movant takes the position that the subject property value far exceeds that amount being claimed by the Debtor and that Movant's claim is not wholly unsecured.
5. Movant objects to the Debtor's proposed Chapter 13 Modified Plan as it provides zero evidence to substantiate the value listed in the Modified Plan. Strict proof is demanded at trial.
6. Movant requests that the confirmation of the Chapter 13 Modified Plan be denied in its entirety and that the modified plan be revised to include "unknown" as to the remaining unsecured debt for the subject mortgage loan.

WHEREFORE, THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, SUCCESSOR INDENTURE TRUSTEE TO JPMORGAN CHASE BANK, N.A., AS INDENTURE TRUSTEE ON BEHALF OF THE NOTEHOLDERS OF THE CWHEQ INC., CWHEQ REVOLVING HOME EQUITY LOAN TRUST, SERIES 2005-K respectfully requests that the Confirmation of Debtor's Modified Plan be denied.

/s/ Sherri J. Smith
Sherri J. Smith, Esq.
Phelan Hallinan Diamond & Jones, PC
1617 JFK Boulevard, Suite 1400
Philadelphia, PA 19103
Tel: 856-813-5500 Ext. 47923
Fax: 856-813-5501
Email: Sherri.Smith@phelanhallinan.com

Dated: September 18, 2020

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

839747

Phelan Hallinan Diamond & Jones, PC

1617 JFK Boulevard, Suite 1400

Philadelphia, PA 19103

856-813-5500

Attorneys for THE BANK OF NEW YORK MELLON
FKA THE BANK OF NEW YORK, SUCCESSOR
INDENTURE TRUSTEE TO JPMORGAN CHASE
BANK, N.A., AS INDENTURE TRUSTEE ON
BEHALF OF THE NOTEHOLDERS OF THE
CWHEQ INC., CWHEQ REVOLVING HOME
EQUITY LOAN TRUST, SERIES 2005-K

In Re:

Sonda D. Smith

Case No: 18-23221 - RG

Hearing Date: 10/21/2020

Judge: ROSEMARY
GAMBARDELLA

Chapter: 13

CERTIFICATION OF SERVICE

1. I, Jason Seidman:

☐ represent the _____ in the above-captioned matter.

☒ am the secretary/paralegal for Phelan Hallinan Diamond & Jones, PC, who represents THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, SUCCESSOR INDENTURE TRUSTEE TO JPMORGAN CHASE BANK, N.A., AS INDENTURE TRUSTEE ON BEHALF OF THE NOTEHOLDERS OF THE CWHEQ INC., CWHEQ REVOLVING HOME EQUITY LOAN TRUST, SERIES 2005-K in the above captioned matter.

☐ am the _____ in the above case and am representing myself.

2. On September 18, 2020 I sent a copy of the following pleadings and/or documents to the parties listed below:

Objection to Modified Plan

3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: September 18, 2020

/s/ Jason Seidman
Jason Seidman

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Sonda D. Smith 175 Myrtle Ave Passaic, NJ 07055	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
U.S. Trustee US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	Trustee	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Andrew Micklin, Esquire 1236 Brace Rd Ste J Cherry Hill, NJ 08034	Debtor's Attorney	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Marie-Ann Greenberg, Trustee	Trustee	<input type="checkbox"/> Hand-delivered

<p>Chapter 13 Standing Trustee 30 Two Bridges Road Suite 330 Fairfield, NJ 07004</p>		<p><input type="checkbox"/> Regular Mail</p> <p><input type="checkbox"/> Certified mail/RR</p> <p><input type="checkbox"/> E-mail</p> <p><input checked="" type="checkbox"/> Notice of Electronic Filing (NEF)</p> <p><input type="checkbox"/> Other _____ (as authorized by the court *)</p>
--	--	---

* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.